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16 *Additional Counsel Listed on Last Page*

17 Attorneys for Defendants
18 DISH Network Corporation, et al.

19 IN THE UNITED STATES DISTRICT COURT
20 CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

21 ENTROPIC COMMUNICATIONS,
22 LLC,

23 Plaintiff,

24 v.

25 DISH NETWORK CORPORATION;
26 DISH NETWORK L.L.C.; DISH
NETWORK SERVICE, L.L.C.; AND
27 DISH NETWORK CALIFORNIA
SERVICE CORPORATION,

28 Defendants.

Case No. 2:23-cv-1043-JWH-KES

**DECLARATION OF TYLER R.
TRAIN IN SUPPORT OF
DEFENDANT DISH NETWORK
CORPORATION, ET AL.'S REPLY
IN SUPPORT OF MOTION FOR
EXTENSION OF CLAIM
CONSTRUCTION SCHEDULE**

District Judge: Hon. John W. Holcomb
Magistrate Judge: Hon. Karen E. Scott

DECLARATION OF TYLER R. TRAIN
Case No. 2:23-cv-1043-JWH-KES

1 DISH NETWORK CORPORATION;
2 DISH NETWORK L.L.C.; DISH
3 NETWORK SERVICE L.L.C.; DISH
4 NETWORK CALIFORNIA SERVICE
5 CORPORATION; AND DISH
6 TECHNOLOGIES L.L.C.,

7 Counter-Claimants,

8 v.

9 ENTROPIC COMMUNICATIONS,
10 LLC; MAXLINEAR, INC.; AND
11 MAXLINEAR COMMUNICATIONS
12 LLC,

13 Counter-Defendants.

1 I, Tyler R. Train, hereby declare:

2 1. I am an attorney with the law firm Fish & Richardson P.C., and counsel
3 for Defendants DISH Network Corporation, DISH Network L.L.C., DISH Network
4 Service, L.L.C., and Dish Network California Service Corporation (collectively,
5 “Defendants” and “DISH”). I have personal knowledge of the facts contained in the
6 declaration and, if called upon to do so, I could and would testify competently to the
7 matters herein.

8 2. On February 15, 2024, DISH’s counsel emailed counsel for Entropic and
9 MaxLinear to request a meet and confer that week about its contemplated motion to
10 stay the case.

11 3. On February 16, 2024, DISH’s counsel left a voicemail and sent a
12 follow-up email to Entropic’s counsel explaining that DISH planned to file its motion
13 the following week and requesting Entropic’s availability to meet and confer. The
14 same day, Entropic’s counsel responded saying that its team was not able to meet and
15 confer until the following week.

16 4. On February 19, 2024, Entropic’s counsel offered availability to meet
17 and confer, but suggested that it needed the positions of the other consolidated
18 defendants on the motion and IPR estoppel in order to “fully meet and confer.” The
19 same day, DISH’s counsel met and conferred with Entropic’s counsel, who again
20 persisted that DISH needed to obtain and convey all consolidated defendants’
21 positions on the motion and estoppel. DISH’s counsel explained that DISH could not
22 speak on behalf of those parties but had already reached out on Entropic’s behalf to
23 inquire about their positions. DISH’s counsel further explained that Entropic was free
24 to speak directly with the other defendants. Entropic’s counsel also insisted that a
25 motion to stay the entire case before institution was not appropriate.

26 5. On February 20, 2024, DISH’s counsel also met and conferred with
27 MaxLinear’s counsel about its contemplated motion.
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1 6. Between February 20 and February 28, 2024, DISH's counsel
2 communicated with counsel for the other consolidated defendants in this case about
3 this motion. Counsel for the other consolidated defendants confirmed they would not
4 oppose such an extension to the claim construction schedule. DISH has confirmed
5 with counsel for all consolidated defendants that it may represent on their behalf that
6 none of the consolidated defendants opposes the requested claim construction
7 extension as it applies to their own claim construction deadlines.

8 7. On February 28, 2024, DISH's counsel sent an email to counsel for
9 Entropic and MaxLinear requesting another meet and confer by the end of the week
10 to discuss DISH's intent to file a narrowed motion seeking to extend the claim
11 construction schedule until the PTAB issues the institution decisions. Neither counsel
12 for Entropic nor counsel for MaxLinear responded.

13 8. On February 29, 2024, DISH sent a follow-up email to counsel for
14 Entropic and MaxLinear asking again for a meet and confer by the end of the week
15 and indicating that DISH planned to file its motion the next week. Neither counsel
16 for Entropic nor counsel for MaxLinear responded.

17 9. On March 1, 2024, DISH sent another follow-up email to counsel for
18 Entropic and MaxLinear asking again for a meet and confer by the end of the week
19 and indicating that, based on the upcoming claim construction schedule, it could not
20 continue to delay its filing to await Entropic's and MaxLinear's availability. The
21 same day, DISH met and conferred with counsel for Entropic and MaxLinear.
22 Counsel for Entropic and MaxLinear indicated that both parties would oppose DISH's
23 motion.

24 10. On March 20, 2024, DISH's counsel sent an email to counsel for
25 Entropic and MaxLinear with an offer asking whether Entropic and/or MaxLinear
26 would agree to extend the claim construction schedule if DISH agreed to stay its
27 counterclaims, including discovery and the pending motions to dismiss (as well as
28

1 any other potential motions), for as long as the Court extends the current claim
2 construction schedule. Neither Entropic nor MaxLinear accepted DISH's offer.

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4 I declare under penalty of perjury that the foregoing is true and correct.
5 Executed this 22nd day of March, 2024, in Orange County, CA.

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7 By: /s/ Tyler R. Train
8 Tyler R. Train
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